



General Assembly

January Session, 2003

***Raised Bill No. 1029***

LCO No. 3581

Referred to Committee on Public Safety

Introduced by:  
(PS)

***AN ACT CONCERNING BOILERS AND HOT WATER HEATERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-231 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The provisions of this chapter shall not apply to: (1) Boilers under  
4 federal control; (2) portable boilers used in pumping, heating,  
5 steaming and drilling in the open field; (3) portable boilers used solely  
6 for agricultural purposes; (4) [boilers on steam fire engines brought  
7 into the state for temporary use in checking conflagrations; (5)] steam  
8 heating boilers carrying a pressure of not more than fifteen pounds per  
9 square inch, when used in private homes or apartment houses of not  
10 more than five families, provided they [are equipped with adequate  
11 safety devices] comply with the State Building Code; [(6)] (5) hot water  
12 heating boilers carrying a pressure of not more than thirty pounds per  
13 square inch, when used in private homes or apartment houses of not  
14 more than five families, provided they [are equipped with adequate  
15 safety devices; (7) boilers installed and inspected under any city, town  
16 or borough system of boiler inspection under standards equivalent to  
17 those established under the provisions of this chapter; (8)] comply with

18 the State Building Code; (6) hot water heaters approved by a nationally  
19 recognized testing agency [which] that are equipped with adequate  
20 safety devices including a temperature and pressure relief valve,  
21 having a nominal water capacity of not more than one hundred twenty  
22 gallons and a heat input of not more than two hundred thousand  
23 British thermal units per hour and used solely for hot water supply  
24 carrying a pressure of not more than one hundred sixty pounds per  
25 square inch and operating at temperatures of not more than two  
26 hundred and ten degrees Fahrenheit provided such heaters are not  
27 installed in schools, day care centers, public or private hospitals,  
28 nursing or boarding homes, churches [,] or public buildings, [or other  
29 places of public assembly; (9)] as defined in section 1-1; (7) antique or

30 model boilers used in public, nonprofit engineering or scientific  
31 museums and operated for educational, historical or exhibition  
32 purposes having a shell diameter of less than twelve inches and a grate  
33 surface area of less than one square foot; and [(10)] (8) public service  
34 companies as defined in section 16-1.

35       Sec. 2. Section 29-236 of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective October 1, 2003*):

37       No person shall inspect boilers under this chapter unless he holds a  
38 commission issued to him by the Commissioner of Public Safety as  
39 provided in this chapter. [This provision shall not apply to boiler  
40 inspectors in the state classified service on October 1, 1953.] Such  
41 commission may be suspended or revoked by the commissioner [upon  
42 evidence of incompetency or untrustworthiness of the holder thereof  
43 or for falsification of any matter or statement contained in his  
44 application or in a report of any inspection. A person whose  
45 commission is suspended or revoked shall have the right to appeal to  
46 the commissioner within two weeks after such suspension or  
47 revocation. The commissioner or his designee shall hold a hearing on  
48 such appeal at which the appellant may be present in person] for cause  
49 following notice and opportunity for hearing. Any person aggrieved  
50 thereby may appeal in accordance with section 4-183.

51       Sec. 3. Section 29-237 of the general statutes is repealed and the  
52       following is substituted in lieu thereof (*Effective October 1, 2003*):

53       All boilers included under this chapter shall be inspected by a state  
54       boiler inspector or by a special inspector employed by an insurance  
55       company licensed to insure boilers in this state as follows:

56       (1) Power boilers, meaning boilers operating at steam or vapor  
57       pressures in excess of fifteen pounds per square inch gauge, except  
58       power boilers that operate with internal water treatment under the  
59       direct supervision of a qualified engineer, shall be inspected each year.  
60       Such boiler inspection shall consist of (A) a thorough internal and  
61       external inspection while not under pressure, and (B) an external  
62       inspection under operating conditions not more than six months after  
63       the internal and external inspection. No more than fourteen months  
64       shall elapse between internal inspections and between external  
65       inspections while under pressure.

66       (2) Power boilers that operate with internal water treatment under  
67       the direct supervision of a qualified engineer shall be inspected every  
68       eighteen months. Such boiler inspection shall consist of (A) a thorough  
69       internal and external inspection while not under pressure, and (B) an  
70       external inspection under operating conditions not more than nine  
71       months after the internal and external inspection.

72       (3) Where construction will permit, low pressure steam or vapor  
73       heating boilers, hot water heating boilers, hot water supply boilers and  
74       hot water heaters shall be inspected externally biennially and  
75       internally at the discretion of the boiler inspector. If a boiler inspector  
76       decides a hydrostatic test is necessary to determine the safety of a  
77       boiler or hot water heater, such test shall be made under the inspector's  
78       direction. The Commissioner of Public Safety may order inspections by  
79       the Department of Public Safety or the insurance carrier in addition to  
80       the regular annual or biennial inspections to clear up any doubts as to  
81       the safety of continuing the operation of any boiler or hot water heater  
82       included in this chapter, but no additional fee shall be charged or

83 allowed for such additional inspections, unless the owner or user is  
84 found to have operated or ordered or permitted the operation of such  
85 boiler or hot water heater, intentionally or negligently, in violation of  
86 this chapter or the boiler regulations. Each boiler insurance carrier  
87 shall forward to the commissioner, within thirty days following each  
88 inspection as required by this chapter, a report of such inspection upon  
89 [appropriate] forms [as promulgated by the commissioner, who may  
90 use the form suggested by the American Society of Mechanical  
91 Engineers] provided by the Department of Public Safety.

92 Sec. 4. Section 29-238 of the general statutes is repealed and the  
93 following is substituted in lieu thereof (*Effective October 1, 2003*):

94 The owner or user of a boiler required by this chapter to be  
95 inspected by the Commissioner of Public Safety or by state boiler  
96 inspectors shall pay to the commissioner at the time of inspection a fee  
97 as follows:

98 (1) Boilers of fifty square feet or less of heating surface, thirty  
99 dollars; boilers of over fifty square feet of heating surface and less than  
100 one thousand square feet, forty dollars; boilers of over one thousand  
101 square feet of heating surface and less than four thousand square feet,  
102 sixty dollars; boilers of at least four thousand square feet of heating  
103 surface and less than ten thousand square feet of heating surface,  
104 eighty dollars; boilers of at least ten thousand square feet of heating  
105 surface, one hundred dollars. External inspection: Boilers having fifty  
106 square feet or less of heating surface, twenty dollars; boilers having  
107 over fifty square feet of heating surface, twenty-five dollars. Not more  
108 than the equivalent of the internal and external inspection fees shall be  
109 charged or collected for any and all such inspections of any boiler in  
110 any one year.

111 (2) Inspection of heating boilers without a manhole, thirty dollars;  
112 inspection of heating boilers with a manhole, fifty dollars; inspection of  
113 hot water supply boilers and hot water heaters, thirty dollars. Not  
114 more than one fee shall be charged or collected for any and all such

115 inspections of any low pressure boiler in any two-year period.

116 (3) [An additional fee based on the scale of fees applicable to an  
117 internal inspection of the boiler shall be charged in any instance where  
118 it is necessary to make a special trip to witness a hydrostatic test.] No  
119 fee shall be required of the state or any agency of the state. All fees  
120 collected by the commissioner under authority of this chapter shall be  
121 transferred by the commissioner to the State Treasurer for deposit in  
122 the General Fund. If the report of inspection by the Department of  
123 Public Safety inspector indicates that any boiler meets the  
124 requirements of this chapter and the boiler regulations, an operating  
125 certificate shall be issued by the commissioner to the owner or user.  
126 Such certificate shall state the pressure and other conditions under  
127 which such boiler may be lawfully operated. An operating certificate  
128 shall be valid for a period of not more than twelve months from the  
129 date of internal inspection, in the case of power boilers inspected  
130 pursuant to subdivision (1) of section 29-237, as amended by this act,  
131 except that the certificate shall be valid for a period of not more than  
132 two months beyond the period set by the Commissioner of Public  
133 Safety in accordance with section 29-237, as amended by this act. An  
134 operating certificate shall be valid for a period of not more than  
135 eighteen months from the date of internal inspection in the case of  
136 power boilers inspected pursuant to subdivision (2) of section 29-237,  
137 as amended by this act. Operating certificates shall be valid for twenty-  
138 four months in the case of low pressure steam or vapor heating boilers,  
139 hot water heating boilers, hot water supply boilers and hot water  
140 heaters approved by a nationally recognized testing agency. If a boiler  
141 inspected by a special inspector commissioned by said commissioner is  
142 found to conform with the requirements of this chapter and the boiler  
143 regulations, an operating certificate shall be issued by said  
144 commissioner to the owner or user upon the receipt of the insuring  
145 company's report and such owner or user shall be exempt from the  
146 inspection fees provided by this section, except that for each certificate  
147 so issued the owner or user of the boiler shall pay to said  
148 commissioner the sum of twenty dollars. Said commissioner may

149 order reinspection if reasonable doubt exists regarding any inspection.  
150 Such certificate shall state the pressure and other conditions under  
151 which such boiler may be lawfully operated and shall be valid not  
152 more than the period indicated in this section and shall be renewed  
153 each year in the case of power boilers inspected pursuant to  
154 subdivision (1) of section 29-237, as amended by this act, every  
155 eighteen months in the case of power boilers inspected pursuant to  
156 subdivision (2) of section 29-237, as amended by this act, and  
157 biennially in the case of hot water heating or hot water supply boilers  
158 and hot water heaters. An operating certificate shall be immediately  
159 invalid if the boiler is relocated or altered, unless such relocation or  
160 alteration has been approved in accordance with this chapter or the  
161 boiler code and regulations. No boiler shall be operated unless a valid  
162 operating certificate is displayed under glass in a conspicuous place in  
163 the room in which such boiler is located. If the boiler is not located  
164 within the building, the certificate shall be posted in a location  
165 convenient to the boiler inspected. In the case of a portable boiler such  
166 certificate shall be kept in a metal container to be fastened to the boiler  
167 or kept in a tool box accompanying the boiler.

168 Sec. 5. Section 29-240 of the general statutes is repealed and the  
169 following is substituted in lieu thereof (*Effective October 1, 2003*):

170 [Boiler and factory inspectors of the state, in their routine  
171 inspections, may examine the operating certificates and the operating  
172 conditions of all boilers and shall report any violations of this chapter  
173 or the boiler regulations immediately to the Department of Public  
174 Safety. The Commissioner of Public Safety shall forthwith order the  
175 owner or user of such boiler to comply with the law and the  
176 regulations at once and, if the violation may endanger life or property,  
177 said commissioner shall order the boiler closed down until the defect  
178 or violation is eliminated.]

179 Inspectors conducting inspections in accordance with the provisions  
180 of this chapter and the boiler regulations may, in the conduct of

181 routine inspections, examine the operating certificates and operating  
182 conditions of all boilers. Each inspector shall immediately report to the  
183 Commissioner of Public Safety any violation of any provision of this  
184 chapter or the boiler regulations. The commissioner shall issue such  
185 orders as he deems appropriate to ensure compliance therewith. If a  
186 violation poses a danger to life or property, the commissioner shall  
187 order that operation of the boiler be discontinued until the defect or  
188 violation is corrected. When a boiler has been placed out of service, the  
189 owner or operator of such boiler shall not permit the boiler to be  
190 operated again until the defect or violation has been corrected and the  
191 commissioner has granted permission for the boiler to resume  
192 operation.

193       Sec. 6. Section 29-242 of the general statutes is repealed and the  
194 following is substituted in lieu thereof (Effective October 1, 2003):

195       [The commissioner and his authorized agents shall enforce the  
196 provisions of this chapter and any regulations relating to boilers, and  
197 for this purpose shall have access to the location of any boiler at any  
198 reasonable time.]

199       The Commissioner of Public Safety shall have the right of entry to  
200 the location of any boiler at any reasonable time for the purpose of  
201 enforcing the provisions of this chapter or the boiler regulations.

202       Sec. 7. (NEW) (*Effective October 1, 2003*) (a) Any person may apply to  
203 the State Building Inspector to grant variations or exemptions from, or  
204 approve equivalent or alternate compliance with, standards  
205 incorporated into regulations adopted under authority of section 29-  
206 232 of the general statutes. The State Building Inspector may approve  
207 such variations, exemptions, or equivalent or alternate compliance  
208 where strict compliance with such provisions would cause practical  
209 difficulty, unnecessary hardship or is otherwise adjudged  
210 unwarranted.

211       (b) Any person aggrieved by any decision of the State Building

212 Inspector pursuant to subsection (a) of this section may appeal to the  
213 Commissioner of Public Safety not later than thirty days after such  
214 decision has been rendered. Any person aggrieved by any ruling of  
215 said commissioner may appeal therefrom to the superior court in  
216 accordance with the requirements of section 4-183 of the general  
217 statutes.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>

***Statement of Purpose:***

To revise statutory provisions concerning boilers and heaters to (1) eliminate obsolete and archaic technical references, (2) establish a modification process to allow the agency to accommodate unique situations not contemplated by its regulations, and (3) provide for an appeals process for owners or users in cases of hardship or where there are practical considerations.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*